MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019 / 2020

DBL5024 – COMPANY LAW

(For Diploma Students Only)

13 MARCH 2020
9.00 a.m – 11.00 a.m
(2 Hours)

INSTRUCTIONS TO STUDENT

1. This question paper consists of 2 pages with 4 questions.
2. Answer **ALL** questions.
3. You are required to cite relevant provisions and cases law.
4. Write all your answers in the Answer Booklet provided.

QUESTION 1

(a) Discuss the procedures for members' voluntary winding up. (10 marks)

(b) Juta Bina Bhd owed RM500,000 to Bank Jaya Bhd. The debt owed was due on January 2019. On April 2019, Bank Jaya Bhd served a notice of demand to Juta Bina Bhd but the company failed to pay. On June 2019, Bank Jaya Bhd petitioned to the Court for winding up the company. The petition comes to their knowledge, thus, Juta Bina Bhd informed Bank Jaya Bhd. that the company was able to pay the debt. However, Bank Jaya Bhd wants to proceed to wind up the company as Juta Bina Bhd failed to provide reasonable reasons for the outstanding debt.

Advise Juta Bina Bhd whether Bank Jaya Bhd's petition to wind up Juta Bina Bhd is in accordance with Companies Act 2016. (15 marks)

[Total : 25 Marks]

QUESTION 2

(a) Mira and Siti are best friends. They just set up their own company named Lovely Sweeties Sdn. Bhd. Mira's niece, Alya has just finished her high school. Alya is a citizen of Brunei but she has never resided in Malaysia. They decided to appoint Alya to become a secretary in their company. Alya accepted the offer as she wants to gain work experience.

Discuss whether Alya is qualified to be appointed as a company secretary? (10 marks)

(b) State the qualifications of company secretary according to Companies Act 2016. (12 marks)

(c) Briefly discuss how to remove the company secretary according to Companies Act 2016. (3 marks)

[Total : 25 Marks]

QUESTION 3

(a) A share usually represents a unit of ownership in the company and the amount paid on the share contributes to the company's capital. Explain the following:

(i) **FIVE (5)** main rights and power attached to share as provided under section 71 of Companies Act 2016. (8 marks)

(ii) **THREE (3)** classifications of share capital. (7 marks)

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(b) Annand owns 5000 fully paid shares in Suria Bhd. He wants to sell 2000 of his shares to his wife. However, he is wondering whether he can sell the shares to someone else without getting the company's approval. Advise Annand on transfer of shares. (10 marks)

[Total : 25 Marks]

QUESTION 4

(a) Explain **THREE (3)** types of company according to the liability of members provided in the Companies Act 2016. (11marks)

(b) Define partnership by referring to Section 3 of Partnership Act 1961. (4 marks)

(c) State the following:

(i) **THREE (3)** types of business organisations. (3 marks)

(ii) **THREE (3)** ways to dissolve partnership agreement. (3 marks)

(iii) **FOUR (4)** types of partners. (4 marks)

[Total : 25 Marks]

End of Paper